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# Message Text

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PAGE 01 STATE 052027
ORIGIN EA-12

INFO OCT-01 ISO-00 L-03 EB-08 SIG-03 PM-05 NSC-05
SP-02 SS-15 CIAE-00 INR-10 NSAE-00 CAB-02 DOTE-00
FAA-00 /066 R

DRAFTED BY DOD:PEBARRINGER:EA/PHL:KWBLEAKLEY:PAW
APPROVED BY EA:RBOAKLEY
EA/PHL:BAFLECK
L/EA:SORLINS (DRAFT)
L/EB:JBELLO (DRAFT)
EB:JROBERTS (DRAFT)
----------071157 011023Z /17
R 290002Z FEB 78
FM SECSTATE WASHDC
TO AMEMBASSY MANILA
SECDEF WASHDC
INFO HQ USAF//JA//
NAVY JAG
CINCPAC//JA//
CINCPACAF//JA//
INCPACFLT PEARL HARBOR HI//JA//
CINCPACREPPHIL//JA//
13TH AF//JA//

C O N F I D E N T I A L STATE 052027

E.O. 11652: GDS

TAGS: MARR, RP, US

SUBJECT: AERO CLUBS

REFS: A. 77 MANILA 20220 DTG 230902Z DEC 77,
B. MANILA 1223 DTG 240946Z JAN 78, C. MANILA 3019
DTG 231025Z FEB 78

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1. REQUIREMENT IN DRAFT PHIL DECREE QUOTED IN REF A TO
REGISTER AERO CLUB AIRCRAFT WITH PHILIPPINE GOVERNMENT
IS NOT REPEAT NOT ACCEPTABLE. AERO CLUB AIRCRAFT ARE
REGISTERED UNDER U.S. LAW AS CIVIL AIRCRAFT. AS NOTED
BY EMBASSY, DUAL REGISTRATION IS PROHIBITED BY ARTICLE 18
OF CHICAGO CONVENTION. ARTICLE 33 OF CHICAGO CONVENTION

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PROVIDES THAT CONTRACTING STATES SHALL RECOGNIZE AS VALID CERTIFICATES OF AIRWORTHINESS AND CERTIFICATES OF COMPETENCY AND LICENSES ISSUED OR RENDERED VALID BY THE CONTRACTING STATE IN WHICH THE AIRCRAFT IS REGISTERED. THERE IS NO OBJECTION TO PROVIDING COPIES OF SUCH DOCUMENTATION TO PHIL AUTHORITIES FOR PURPOSE OF FACILITATING THEIR RECOGNITION BY GOP, BUT NOT AS A MEANS OF TRANSFERRING REGISTRATION.

2. U.S. LAW (SECTION 501(B) FEDERAL AVIATION ACT OF 1958, 49 USC 1401(B) AS AMENDED) PERMITS U.S. REGISTRATION ONLY IF: (1) AIRCRAFT IS OWNED BY U.S. CITIZEN (OTHER THAN CORPORATION), INDIVIDUAL PERMANENT RESIDENT ALIEN, OR CORPORATION "LAWFULLY ORGANIZED AND DOING BUSINESS" IN THE U.S. (SO LONG AS AIRCRAFT IS BASED AND PRIMARILY USED IN U.S.), AND SUCH AIRCRAFT IS NOT, REPEAT NOT, REGISTERED UNDER LAWS OF A FOREIGN COUNTRY; OR (2) AIRCRAFT IS OWNED BY FEDERAL GOVERNMENT OR STATE OR POLITICAL SUBDIVSION THEREOF. THUS, U.S. LAW DOES NOT REQUIRE TRANSFER OF REGISTRATION OF FOREIGN OWNED AIRCRAFT PRIOR TO USE WITHIN U.S. IN FACT, U.S. LAW DOES NOT PERMIT REGISTRATION OF FOREIGN OWNED AIRCRAFT EXCEPT UNDER THE LIMITED CIRCUMSTANCES DESCRIBED ABOVE. THUS, IF COMPARABLE FOREIGN AERO CLUB PLANES WERE IN U.S., THEY WOULD REMAIN FOREIGN REGISTERED. IN OUR VIEW, THERE IS NO BASIS UNDER CHICAGO CONVENTION OR ESTABLISHED INTERNATIONAL PRACTICE FOR REQUIRING PHIL REGISTRATION OF CONFIDENTIAL

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AERO CLUB AIRCRAFT AS A CONDITION FOR THEIR OPERATION IN THE PHILIPPINES. AS YOU KNOW, GOP IS A CHICAGO SIGNATORY.

3. EMBASSY SHOULD SEEK AMENDMENT OF THE DECREE DELETING PROVISIONS ON REGISTRATION. IF AMENDMENT NOT FEASIBLE, EMBASSY SHOULD SEEK IMPLEMENTATION OF THE DECREE IN A MANNER WHICH ASSURES THAT REGISTRATION OF THE AIRCRAFT IN THE PHILIPPINES IS NOT REQUIRED.

4. FYI: AN ENROLLED BILL, H.R. 10368, FURTHER AMENDS SECTION 501(B) OF THE FEDERAL AVIATION ACT TO RE-ESTABLISH THE RIGHT OF U.S. CORPORATIONS TO REGISTER IN THE U.S. THEIR AIRCRAFT WHICH IS BASED ANDPRIMARILY USED ABROAD. SUCH AIRCRAFT WAS UNINTENTIONALLY BARRED FROM U.S. REGISTRATION BY P.L. 95-163 DATED NOVEMBER 9, 1977.

VANCE

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NNN

*** Current Handling Restrictions *** n/a
*** Current Classification *** CONFIDENTIAL

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# Message Attributes

**Automatic Decaptioning:** X
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**Channel Indicators:** n/a
**Current Classification:** UNCLASSIFIED
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**Control Number:** n/a
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**Draft Date:** 28 feb 1978
**Decaption Date:** 01 jan 1960
**Decaption Note:**
**Disposition Action:** RELEASED
**Disposition Approved on Date:**
**Disposition Case Number:** n/a
**Disposition Comment:** 25 YEAR REVIEW
**Disposition Date:** 20 Mar 2014
**Disposition Event:**
**Disposition History:** n/a
**Disposition Reason:**
**Disposition Remarks:**
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**Executive Order:** GS
**Errors:** n/a
**Expiration:**
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**Original Handling Restrictions:** n/a
**Original Previous Classification:** n/a
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**Previous Handling Restrictions:** n/a
**Reference:** 77 MANILA 20220, 78 MANILA 1223, 78 MANILA 3019
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**TAGS:** MARR, RP, US, AERO CLUBS, CAA
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**Review Markings:**
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EO Systematic Review
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**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014